

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition of  
City of Los Angeles and its Depart-  
ment of Water and Power for Review  
of Order No. 6-73-30 of the Cali-  
fornia Regional Water Quality  
Control Board, Lahontan Region

Order No. WQ 73-12

BY THE BOARD:

On April 19, 1973 the City of Los Angeles and its Department of Water and Power (City) petitioned the State Water Resources Control Board (State Board) to review Order No. 6-73-30 of the California Regional Water Quality Control Board, Lahontan Region, adopted March 22, 1973, prescribing waste discharge requirements for Rolling Green Terrace Subdivision, City of Los Angeles, Department of Water and Power.

The City alleges that the findings of the regional board are contrary to law and not founded in evidence in that the City is not a person discharging waste within the meaning of Section 13263 of the California Water Code.

The State Board having considered the petition and the record of the proceedings before the regional board finds as follows:

1. Domestic waste from Rolling Green Terrace Subdivision is presently collected and transported from the subdivision by

Dean W. Knight & Sons, Inc. (Knight) to two percolation and evaporation ponds located on property owned by the City. In 1965 the City leased said property to Knight for a term of five years. The City has refused to renew said lease.

2. The present flow of domestic waste is approximately 0.037 mgd and the two ponds are unable to contain the entire flow of wastewater and an overflow of effluent to adjacent land areas occurs. The overflow effluent travels approximately 300 feet to a berm where it collects and maintains a shallow pond of varying dimensions depending on the quantity of effluent and weather conditions.

3. On March 22, 1973, the regional board adopted Order No. 6-73-30 prescribing requirements for discharge of the waste by the City.

4. The State Board has consistently held that a person who has legal control over the property where the discharge of waste occurs is responsible for complying with waste discharge requirements.

From the foregoing findings the Board concludes:

1. The City is a person "discharging waste" and "making the discharge" within the meaning of Water Code Sections 13260 and 13263, since the City has legal control over the property where the discharge occurs and thus has the legal power to control the discharge (see 26 Ops.Cal.Atty.Gen. 88 and 27 Ops.Cal.Atty.Gen. 182).

2. The order of the regional board is appropriate and proper.

NOW, THEREFORE, IT IS ORDERED that the relief requested by the City of Los Angeles, Department of Water and Power is hereby denied.

Dated: May 3, 1973

*W W Adams*

W. W. Adams, Chairman

*Ronald B. Robie*

Ronald B. Robie, Vice Chairman

*Roy E. Dodson*

Roy E. Dodson, Member

*Mrs. Carl H. Auer*

Mrs. Carl H. (Jean) Auer, Member

*W. Don Maughan*

W. Don Maughan, Member